

AN ORDINANCE TO APPROVE AND REGULATE ALL-TERRAIN VEHICLE(ATV)/ UTILITY VEHICLES(UTV) TRAVEL ON ROADS IN THE TOWN OF BUFFALO, MARQUETTE COUNTY, WISCONSIN, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

SECTION I. Intent

The Town of Buffalo, Marquette County, Wisconsin, adopts the following ordinance for the operation of All-Terrain Vehicles / Utility Vehicles upon the roadway(s) listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

SECTION II. Statutory Authority

This route is created pursuant to town authorized as authorized by Sec. 23.33(8)(b), Wisconsin Statutes.

The applicable provisions of Section 23.33, Wisconsin Statutes, regulating ATV operation pursuant to routes are adopted.

SECTION III. Routes

Road(s) to be open for ATV/UTV routes are as follows:

County Rd F from the Packwaukee line to County Rd O to the West to connect the Town of Moundville. From County Rd F down 10th Road to the West to connect to the Town of Packwaukee.

Addition June 8th, 2020 of a connecting horseshoe from Grand Avenue around to Gillette Road to connect to the Green Lake County Trail.

Addition May 10th, 2021 of a connecting route from Barry Road to Grouse Road to connect to the Town of Marcellan Route.

SECTION IV. Conditions

As a condition for the use of this route, the following conditions shall apply to all operators, and passengers:

- A. All ATV/ Utility Vehicles operators shall operate at no more than 35 MPH.
- B. All ATV/ Utility Vehicles operators shall ride single file on extreme right side of roadways.
- C. All ATV/ Utility Vehicles operators shall only ride on paved surface of roadways.
- E. Routes must be signed in accordance with NR 64.12, and NR. 64.12(7)c.
- F. Routes will be open for public ATV/ UTV usage daily during the following Time periods: 6:00 AM through 9:00 PM.

G. Only roads that have ATV/UTV route signs can be operated on by ATVs and UTVs. Routes are not considered open for use until routes signs are posted.

SECTION V. Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

SECTION VI. Penalties

Wisconsin state All-Terrain Vehicle penalties as found in Sec. 23.33(13)(a), Wisconsin Statutes, are adopted by reference.

SECTION VII. Severability

The provision of this ordinance shall be deemed severable and is expressly declared that the County and Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

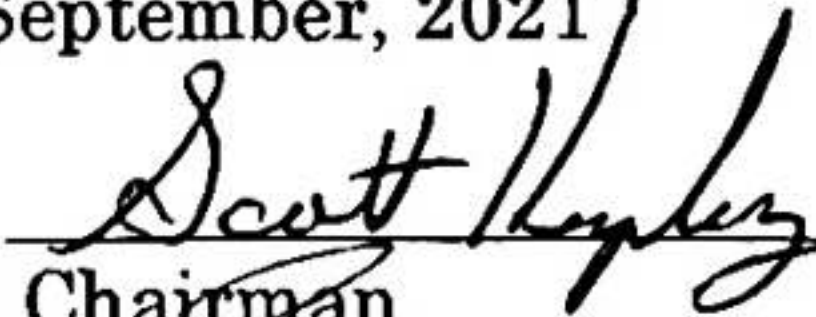
This ordinance can be terminated by the board if it is deemed there are serious Violations / issues with this ATV/UTV route.

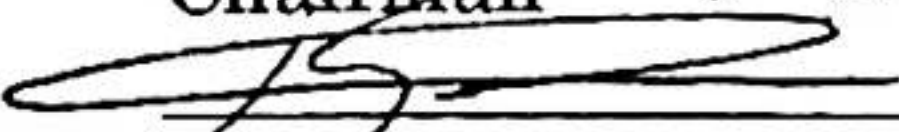
SECTION VIII. Effective Date


This ordinance becomes effective on publication and posting. With board approval this Ordinance can be terminated at any time. The town clerk shall properly post this ordinance as required under Sec. 60.80, Wis. Stats.

Passed this 14th day of November, 2016.

Updated this 13th day of September, 2021


Chairman


Supervisor


Supervisor

Attest to:


Clerk

**Town of Buffalo-Marquette County Wild Animal Shining Ordinance
Ordinance 9-13-2021**

The Town Board of the Town of Buffalo, Marquette County, Wisconsin, does ordain as follows:

Section 1. Title

This ordinance is entitled the "Town of Buffalo Wild Animal Shining Ordinance."

Section 2. Purpose

The purpose of this ordinance is to prohibit the shining of wild animals from public highways in the Town of Buffalo.

Section 3. Definitions

- (a) "Flashlight" means a battery operated light designed to be carried and held by hand.
- (b) "Light" includes flashlights, automobile lights and other lights.
- (c) "Peace officer" has the meaning designated under Wis. Stat. §939.22(22).
- (d) "Shining" means the casting of rays of light on a field, forest, Private residence or buildings or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

Section 4. Presumption

A person casting rays of light on a field, forest, Private residence or buildings or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.

Section 5. Shining Wild Animals From Roadways Prohibited

- a) Prohibition. No person may use or possess with intent to use a light for shining wild animals from a highway, as defined in Wis. Stat. §340.01(22), or from a vehicle located on a highway.
- b) Exceptions. This subsection does not apply:

1) To a peace officer on official business, an employee of the Wisconsin Department of Natural Resources on official business or a person authorized by the department to conduct a game census.

2) To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.

3) To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.

4) If rules promulgated by the Wisconsin Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals in a manner otherwise prohibited by this Ordinance.

Section 6. Penalties

Any person violating any of the provisions of this ordinance shall be punished by a forfeiture of not less than \$100.00, nor more than \$500.00, together with the costs of prosecution, for each such offense.

Section 7. Severability

The provisions of this ordinance are severable and the invalidity of any section or part thereof shall not render ordinance invalid.

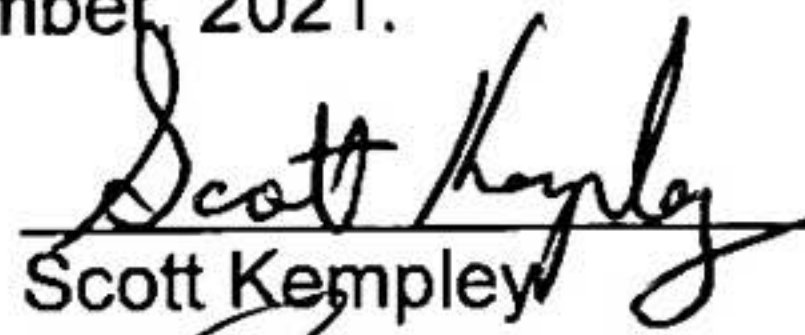
Section 8. Effective Date

This ordinance shall be effective upon passage and publication.

This ordinance is adopted by the Town Board of the Town of Buffalo, Marquette County, Wisconsin this 13 day of September, 2021.


Roger Wallis

Supervisor


Scott Kempley

Chairperson


Ryan McReath

Supervisor

Attest: 
Laurie Beahm Clerk

Published/Post: 9/23, 2021